

Application No. 10/024,244
Art Unit 1713
November 15, 2004
Reply to Office Action of July 15, 2004

REMARKS

It is respectfully requested that the present Reply be entered into the Official File in view of the fact that the Reply automatically places the application in condition for allowance. Thus, the present Reply is believed to be in proper form for placing the application in condition for allowance.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Reply be entered for purposes of an Appeal. The Reply reduces the issues on appeal by reducing the number of claims and/or overcoming the objection and rejections under 35 U.S.C. §§ 112, second paragraph, 102(b) and 103(a). Thus, the issues on appeal would be reduced.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present Reply, claims 1-5, 10-13 and 15-18 have been canceled without prejudice or disclaimer of the subject matter contained therein. Applicants reserve the right to pursue any canceled subject matter in a continuation or divisional application. Also in the present Reply, claim 19 has been amended. The Office Action indicates that claims 6-9 and 14 have allowable subject matter, wherein claim 18 would also be allowable if appropriately rewritten (see paragraph 8, page 5 of the Office Action). Thus, claims 6-9, 14 and 19 are pending in the present application.

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Applicants submit that the amendments made herein are fully supported in the present specification as filed and add no new matter. For instance, the amendment to claim 19 is merely made for clarification purposes (see also page 7, lines 11-12 and the tables at page 6 of the present specification), and Applicants in no way are conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Claim Objections

Claims 15 and 17 stand objected to under 37 C.F.R. § 12.75(c) for being in improper dependent form (see paragraph 2 of the Office Action). Applicants respectfully traverse.

The disputed claims have been canceled, rendering the objection of these claims moot. Withdrawal of this objection is respectfully requested.

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Issues Under 35 U.S.C. § 112, Second Paragraph

Claim 19 stands rejected under 35 U.S.C. § 112, second paragraph, for reason of indefiniteness (as stated in paragraphs 3-4 of the Office Action). Applicants respectfully traverse.

This rejection has been sufficiently addressed, wherein claim 19 properly depends on claim 6. This rejection has been obviated. Consideration and allowability of this claim are respectfully requested.

Issues Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fuji et al. '810 (U.S. Patent No. 4,311,810) (see paragraph 5 of the Office Action).

Also, claims 4, 5, 10-13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuji '810 (see paragraph 6 of the Office Action).

Applicants respectfully traverse all rejections, and reconsideration and withdrawal thereof are respectfully requested.

Though Applicants believe that patentable distinctions are present, Applicants respectfully refer the Examiner to the claims as presented. The disputed claims have been canceled, rendering both of the rejections moot. Withdrawal of these rejections is respectfully requested, as is allowance of all pending claims.

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Allowable Subject Matter

Claims 6, 7, 8, 9 and 14 are allowed (see paragraph 8 of the Office Action). Also, claim 18 would be allowable if properly rewritten.

Though claim 18 has been canceled, Applicants respectfully refer the Examiner to the already allowed claims, as well as claim 19. Applicants submit that claim 19 is also allowable, wherein this claim depends on allowed claim 6. Thus, Applicants respectfully request a Notice of Allowability from the Examiner with regard to the pending claims.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the


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undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)